

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AUSTIN COVINGTON, *et al.*,  
Plaintiffs,

v.

GERMAN WISE DENTAL LLC, *et al.*,  
Defendants.

CASE NO. 3:20-cv-06173-LK

ORDER REGARDING MOTION  
TO WITHDRAW AS COUNSEL

This matter is before the Court on the District Court's referral of the pending motion to withdraw as counsel. *See* Dkt. 58.

**BACKGROUND**

This workplace discrimination and retaliation action was initiated by plaintiffs on December 1, 2020. *See* Dkt. 1. On May 7, 2021, the District Court issued an order setting the discovery cutoff date on December 13, 2021 and the jury trial date on April 12, 2022. *See* Dkt. 14. On August 24, 2021, the District Court granted a stipulated motion for defendants' initial counsel to withdraw. *See* Dkt. 18. On October 4, 2021, Eric Helmy and NW Business Law LLC

1 (“Counsel”) joined the case as counsel for defendants. *See* Dkt. 19. On December 30, 2021, more  
 2 than two weeks after the discovery deadline had passed, defendants moved to continue the  
 3 discovery and dispositive motion deadlines. *See* Dkt. 27. The District Court denied the motion on  
 4 January 26, 2022. *See* Dkt. 29.

5 On March 24, 2022, due to deficient pretrial submissions by the parties, the District Court  
 6 issued an order striking the parties’ pretrial submissions, pretrial conference, and trial date. *See*  
 7 Dkt. 44. The District Court stated that the trial date will be rescheduled when appropriate. *See id.*  
 8 at 6. On April 15, 2022, Counsel filed the motion to withdraw as attorney presently before this  
 9 Court. *See* Dkt. 58. Counsel’s clients and plaintiffs oppose Counsel’s motion. *See* Dkts. 59, 65.

## 10 DISCUSSION

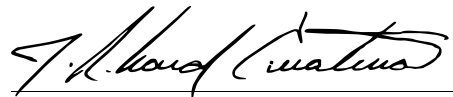
11 Pursuant to Local Civil Rule (“LCR”) 83.2(b)(1), an attorney must seek leave of court  
 12 before withdrawing, except in certain circumstances that do not apply in this case. The Court  
 13 “retains wide discretion in a civil case to grant or deny a motion to withdraw.” *Putz v. Golden*,  
 14 No. 2:10-cv-00741-JLR, 2012 WL 13019202, at \*3 (W.D. Wash. Aug. 3, 2012). In making that  
 15 decision, the Court considers several factors when evaluating a motion to withdraw, such as: “(1)  
 16 the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants;  
 17 (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which  
 18 withdrawal will delay the resolution of the case.” *Russell v. Samec*, 2:20-cv-00263-RSM-JRC,  
 19 2021 WL 3130053, \*1 (W.D. Wash. July 23, 2021) (internal citations omitted).

20 Here, although Counsel claims that a non-waivable conflict of interest has arisen between  
 21 Counsel and defendants, Counsel does not provide enough details to allow this Court to properly  
 22 evaluate the motion to withdraw. *See* Dkt. 58 at 2. Counsel claims the conflict arose on April 8,  
 23 2022 and cites to Washington Rule of Professional Conduct (“RPC”) 1.16(b), which states that a  
 24

1 lawyer shall not represent a client if “the representation will result in a violation of the Rules of  
 2 Professional Conduct or other law.” *See also* LCR 83.3(a)(2). Counsel states that because of his  
 3 “obligation to protect attorney-client confidentiality, Counsel cannot specify which sub-section  
 4 applies.” Dkt. 58 at 3. Counsel also submits a declaration by Anne Seidel, who claims that she is  
 5 privy to the reason for withdrawal, and it is her opinion that continued representation by Counsel  
 6 would violate the RPC. Dkt. 58-2 at 1–2.

7 Even if there is a conflict, an attorney may still represent a client when ordered by a  
 8 tribunal. *See* RPC 1.16(c) (“When ordered to do so by a tribunal, a lawyer shall continue  
 9 representation notwithstanding good cause for terminating the representation.”). The Court  
 10 cannot determine whether that is appropriate in this case without knowing what the conflict is  
 11 based on. According to Washington State Bar Association Advisory Opinion 201701, a lawyer  
 12 can state that he cannot provide a further explanation on the record, but he will do so under seal  
 13 if ordered by the Court. *See* Dkt. 58-3, Washington State Bar Association, Advisory Opinion  
 14 201701 (2017). Counsel states that he “will be happy to provide such information to the Court *in*  
 15 *camera* . . . .” Dkt. 69 at 1. Accordingly, the Court orders Counsel to submit a declaration  
 16 explaining the conflict. The declaration shall be filed under seal by May 23, 2022. *See* LCR  
 17 5(g)(2)(A).

18 Dated this 13th day of May, 2022.

19 

20 J. Richard Creatura  
 21 Chief United States Magistrate Judge  
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 23  
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